

Remarks

Claims 1-28 are pending in this application, claims 23-25 of which are withdrawn from consideration and claims 4 and 12-19 of which are objected to as dependent upon a rejected base claim but indicated to be allowable if rewritten in independent form.

Claims 1-3 and 5-10 stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of U.S. Patent 5,348,078 to Dushane in view of U.S. Patent 5,181,653 to Foster et al.

The rejection of claim 1 is traversed on the basis that the requirement of *control circuits operably in communication with each other such that changing a temperature setpoint at any one of said multiple thermostats will change the temperature setpoint of all of said thermostats* is not met. Applicant agrees with the Examiner that Dushane fails to teach control circuits in communication with one another such that changing the temperature at any one of the multiple thermostats changes the temperature at all of the thermostats. Applicant disagrees with the Examiner's interpretation of Foster et al. in that changing a temperature setpoint at any one of the thermostats of Foster et al. will not change the temperature setpoint of all of said thermostats. Foster et al. states, at column 5 starting at line 8, that:

"the temperature setpoint in any single zone can be temporarily altered at any thermostat 16a, b, c, n by pressing the switch buttons 25a, b, c, n which will change the current temperature being controlled only in the zone controlled by the respective thermostat" (emphasis added).

Applicant specifically submits that the slave thermostats of Foster et al. cannot make global changes to all of the setpoints. Thus, Foster et al. is very similar to Dushane in that Foster et al. is a master slave system where the master thermostat can make global changes but the slave thermostats cannot make global changes. In contrast, claim 1 requires that changing a setpoint at any one of the multiple thermostats will change the temperature of the setpoint at all of the thermostats. Neither Dushane nor Foster et al. meets this requirement and claim 1 is consequently submitted to be novel and patentable in view of these references whether taken individually or in combination. Reconsideration and withdrawal of the rejection of claim 1 is requested.

To further emphasize this uniqueness of the present application in that any one of the multiple thermostats can make global changes, applicant has amended claim 3 to specify that each, as opposed to at least selected ones, of the multiple thermostats include a controller switch actuator operable to effect control of the air conditioning unit. It is submitted that only the master, as opposed to each of the multiple thermostats, controls an air conditioning unit in Dushane and Foster et al. and that the "Control Here" feature of amended claim 3 is independently novel and patentable in view of these references whether taken individually or in combination.

The rejection of claim 6 is respectfully traversed on the basis that the Examiner's statement with regard to the similarity of claim 2 and claim 6 is inaccurate. Claim 2 is directed to radio frequency communication between the multiple thermostats whereas claim 6 claims multiple thermostats which are "configured to display a temperature set by any one of others of said multiple thermostats upon changing the setpoint of one of said multiple thermostats". This display of a setpoint changed in a first thermostat at the location of a second thermostat is not disclosed nor suggested by either Dushane or Foster et al. Consequently claim 6 is submitted to be independently novel and patentable in view of these references. Reconsideration and withdrawal of the rejection of claim 6 is respectfully requested.

The rejection of claim 10 is respectfully traversed for the same reasons that the rejection of claim 6 was traversed.

The rejection of claim 8 is respectfully traversed on the basis that it is identical to allowed claim 4 and essentially similar to allowed claim 12. Additionally, it is submitted that determining an average temperature sensed by other thermostats in controlling a system to satisfy the demand based on the averaged sensed temperature as a setpoint is not disclosed or suggested by Dushane or Foster et al. Consequently, claim 8 is submitted to be independently novel and patentable and reconsideration and withdrawal of the rejection of claim 8 is respectfully requested.

Claim 11 has been amended to reflect a combination of original claims 11 and 12, that combination having been indicated to be allowable by the Office Action.

Claim 14 has been amended in a manner similar to claim 3 and is submitted to be novel and patentable for the same reasons that claim 3 is submitted to be novel and patentable.

Claim 16 has been amended to reflect a combination of original claims 11 and 16, that combination having been indicated to be allowable by the Office Action.

Claim 21 has been amended to reflect a combination of original claims 11 and 21 and to include the similar amendment to claim 3 specifying that each thermostat has the "Control Here" capability. For the same reasons that claim 3 is submitted to be novel and patentable, this amended claim 21 is submitted to be novel and patentable.

Claim 26 has been amended to include similar elements as of allowable claim 16 and amended claim 26 is believed to be novel and patentable for the same reasons that claim 16 was allowed by the Examiner.

Claim 28 has been amended in a manner similar to claim 3 above and is submitted to be novel and patentable in and of its own right for the same reasons that claim 3 is submitted to be novel and patentable above.

An Authorization to Charge applicant's deposit account for the additional independent claims is submitted herewith as is an Authorization to Charge applicant's deposit account for the Extension of Time.

Respectfully Submitted,



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